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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,405	01/04/2006	Artur Schworer	3450	4557
7590 Walter A Hackler Patent Law Office Suite B 2372 S E Bristol Street Newport Beach, CA 92660-0755		EXAMINER SAFAVI, MICHAEL		
		ART UNIT 3637		
		MAIL DATE 07/20/2009		
		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,405

Applicant(s)

SCHWORER, ARTUR

Examiner

MICHAEL SAFAVI

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13, 14, 16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13, 14, 16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20, 11, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application 0552621 (EP '621). EP '621 discloses, Figs. 1 and 2, concrete shell elements 16, 17; at least one device 2/3 for clamping the concrete shell elements to one another, the devices having spaced apart opposing claws 14, 15 displaceable toward one another in a clamping direction, the claws being configured for guiding one another for enabling the displacement toward one another; teeth, (col. 2, line 30), disposed on one of the claws, said teeth being slanted at an angle with respect to the clamping direction; a wedge 9 disposed through claw openings 11, (beginning and ending), for causing displacement of the claws upon movement of the wedge within the openings in a wedge guiding direction said guiding direction being at an angle with respect to said clamping direction, (Fig. 2 and col. 2, lines 37-39); grooves disposed in said wedge, (col. 2, lines 30-32), for engaging said teeth for causing the displacement of the claws upon movement of the wedge with the

openings. Wedge 9 can be seen as tapered, as from 10 to 9, or can be seen as constant cross-section, as along 9.

Claims 20, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by German Offenlegungsschrift DE 3545273 (DE '273). DE '273 discloses, Figs. 1, 2 and 4 for example, concrete shell elements 1, 1; at least one device 11 for clamping the concrete shell elements to one another, the devices having spaced apart opposing claws 12, 13 displaceable toward one another in a clamping direction, the claws being configured for guiding one another for enabling the displacement toward one another; teeth 24 disposed on one of the claws, said teeth being slanted at an angle with respect to the clamping direction; a wedge 34 disposed through claw openings 30 for causing displacement of the claws upon movement of the wedge within the openings in a wedge guiding direction said guiding direction being at an angle with respect to said clamping direction; grooves 35 disposed in said wedge for engaging said teeth for causing the displacement of the claws upon movement of the wedge with the openings. Wedge 34 can be seen as tapered, as from either end to a central portion thereof, or can be seen as constant cross-section, as along central portion thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over European Patent Application 0552621 (EP '621).

Examiner believes that EP '621 has "a plurality of the devices" or "multiple mounting positions...the mounting positions being spaced apart from one another and aligned on a straight line". However, to have provided the concrete form of EP '621 with any number of a plurality of "devices" along a pair of adjacent forms 16, 17, thus accounting for any given height of form that may be utilized at the time, would have been obvious to one having ordinary skill in the art at the time the invention was made.

Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over German Offenlegungsschrift DE 3545273 (DE '273).

Examiner believes that DE '273 has "a plurality of the devices" or "multiple mounting positions...the mounting positions being spaced apart from one another and aligned on a straight line". However, to have provided the concrete form of DE '273 with any number of a plurality of "devices" along a pair of adjacent forms 1, 1, thus accounting for any given height of form that may be utilized at the time, would have been obvious to one having ordinary skill in the art at the time the invention was made.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application 0552621 (EP '621).

Forming the EP '621 wedge 9 at an angle of between 40 degrees and 85 degrees including at approximately 45 degrees with the clamping direction of the claws, thus allowing easier access to the EP '621 wedge device, would have been obvious to one having ordinary skill in the art at the time the invention was made. See Fig. 3 of EP '621 for example.

Response to Arguments

Applicant's arguments filed March 10, 2009 have been fully considered but they are not persuasive. The wedge 9 of EP '621 does effectively slide along and within the claw openings 11 with the rotation of member 9 translating into a sliding motion. The element 9 of DE '621 is therefor, the equivalent in structure, function, and result as the wedge of the present invention.

As for DE '273 and Applicant's argument that "there is no inclination of the wedge guided direction", the language of claim 20 does not present any incline or inclination of a wedge guided direction.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL SAFAVI whose telephone number is (571)272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
June 27, 2009